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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: United States Forest Service – French Gulch Water System
Water System No. 1502686

Attn: Peter Landucci, Environmental Engineer
United States Forest Service (USFS)
1839 S. Newcomb Street
Porterville, CA 93257

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502686**

March 2016

C I T A T I O N N O . 03-19-16C-041

Issued on September 7, 2016

STATEMENT OF FACTS

United States Forest Service (USFS) – French Gulch Water System (hereinafter Water System) is classified as a transient non-community water system and mainly serves a transient population of approximately 46 persons through five service connections. The Water System has one active source of supply, Well 01 (Primary Station Code: 1502686-001), a 40,000-gallon storage tank (Tank No. 1), a 20,000-gallon tank (Tank No. 2), and distribution system. Continuous chlorination treatment was installed at Well 01 in August 2016, following multiple total coliform violations. The Water

1 System operates under the authority of Permit No. 03-19-13P-018, issued on August
2 28, 2013, by the California Department of Public Health. Due to the recent installation
3 of the continuous chlorination treatment, the State Water Resources Control Board
4 (hereinafter "State Board"), Division of Drinking Water will amend the domestic
5 water supply permit of the Water System in the near future. Effective July 1, 2014,
6 regulatory jurisdiction of the Water System was transferred to the State Board.
7

8
9 Section 116650 of the California Health and Safety Code authorizes the issuance of a
10 citation to a public water system for violation of the California Safe Drinking Water
11 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
12 Section 116270) (hereinafter "California SDWA") or any regulation, standard, permit
13 or order issued or adopted thereunder.
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15
16 The State Board, acting by and through its Division of Drinking Water and the Deputy
17 Director for the Division of Drinking Water hereby issues a citation to the USFS –
18 French Gulch Water System (mailing address: 1839 S. Newcomb Street, Porterville,
19 CA 93257) for violation of the California Code of Regulations (CCR), Title 22,
20 Section 64426, subsection (b)(2).
21

- 22
- 23 • The Water System is required to collect one (1) routine bacteriological sample
24 per month.
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- 1 • One (1) routine bacteriological quality sample collected on March 30, 2016,
2 from the distribution system showed the presence of total coliform bacteria,
3 when analyzed by the Most Probable Number (MPN) method.
- 4 • Three (3) out of five (5) repeat bacteriological quality samples collected on
5 April 7, 2016, from the distribution system, also showed the presence of total
6 coliform bacteria when analyzed by the MPN method.
- 7 • One (1) bacteriological quality sample collected on April 7, 2016, from Well
8 01, also showed the presence of total coliform bacteria. The well sample counts
9 as a repeat total coliform sample as well as a Ground Water Rule Sample for
10 month of March 2016.
- 11 • **USFS – French Gulch Water System failed the total coliform maximum**
12 **contaminant level (MCL) for March 2016. [Section 64426.1(b)(2),**
13 **Authorities].**
- 14 • **The Water System failed to collect the repeat samples within 24 hours of**
15 **receipt of notification of the total coliform positive sample (collected on**
16 **March 30, 2016). Repeat samples were not collected until April 7, 2016**
17 **[Section 64424(a)(1), Authorities].**
- 18 • The Water System was directed to install continuous chlorination in a Citation
19 #03-19-16C-015 (issued on March 22, 2016), after repeated total coliform
20 failures in November and December of 2015, and January of 2016. Pending
21 installation of the continuous chlorination treatment, on April 12, 2016, the
22 State Board directed the Water System to provide emergency chlorination and
23 flushing of Well 01 and the distribution system.

- 1 • Two (2) out of five (5) special bacteriological quality samples collected on
2 April 12, 2016, from the distribution system, showed the presence of total
3 coliform bacteria, when analyzed by the MPN method.
- 4 • One (1) special bacteriological quality sample collected on April 12, 2016,
5 from Well 01, also showed the presence of total coliform bacteria.
- 6 • It is unknown if and when the Water System provided emergency chlorination
7 and flushing during the month of April 2016.
- 8 • On April 25, 2016, the State Board received a completed investigation report,
9 in response to the March 2016 total coliform MCL failure. The investigation
10 report was completed by Peter Landucci. The investigation report did not
11 identify the exact cause of bacteriological contamination, but referred to the
12 State Board inspection conducted on February 16, 2016. The report also stated
13 that recommendations made by the State Board staff were completed.
- 14 • Four (4) routine bacteriological quality samples collected on April 28, 2016,
15 from the distribution system, tested negative for total coliform bacteria.
- 16 • One (1) routine bacteriological quality sample collected on April 28, 2016,
17 from Well 01, also tested negative for total coliform bacteria.
- 18 • Routine bacteriological quality samples collected on May 18, 2016, June 2,
19 2016, July 7, 2016, and August 4, 2016, tested negative for total coliform
20 bacteria.
- 21 • Results of all bacteriological samples collected from January 2016 to August
22 2016, are summarized in **Attachment A**.
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- 1 • None of the total coliform positive samples collected in March or April 2016,
- 2 tested positive for *E.coli* bacteria.
- 3
- 4 • On May 4, 2016, public notice and *Certification of Completion of Notification*
- 5 forms were emailed to the Water System, for the March 2016 total coliform
- 6 MCL failure.
- 7
- 8 • On May 5, 2016, the State Board received signed and dated copies of the
- 9 public notice and the *Certification of Completion of Public Notification* from
- 10 the Water System. According to these documents, public notification was
- 11 completed on May 5, 2016.
- 12
- 13 • On May 4, 2016, The State Board received a completed permit amendment
- 14 application to install continuous chlorination treatment for the USFS – French
- 15 Gulch Water System. Due to issues with the funding, the chlorination
- 16 treatment was installed sometime in late July 2016. The State Board staff
- 17 conducted an inspection of the chlorination treatment facility, on August 9,
- 18 2016.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

Section 116650 of the CHSC, states in relevant part:

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a

citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and

(b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the State Board."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the State Board determines that the USFS – French Gulch Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for the month of March 2016, when more than one sample during the month tested positive for total coliform bacteria.

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2. CCR, Title 22, Section 64424(a)(1); Specifically, the Water System failed to collect the repeat samples within 24 hours of notification of the routine total coliform positive sample collected on March 30, 2016.

The above violations are classified as non-continuing violations.

DIRECTIVES

USFS – French Gulch Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(a)(1) and 64426(b)(2) of Title 22, California Code of Regulations.
2. The Water System shall provide continuous chlorination treatment of water produced by Well 01.
3. Any document requested by the citation shall be submitted to the following address, fax number, or email address:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
State Water Resources Control Board
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309
Fax: (661) 335-7316
dwpdist19@waterboards.ca.gov
4. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon USFS – French Gulch Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and USFS – French Gulch Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty in an amount not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

Sep. 7, 2016

Date



Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

Drinking Water Field Operations Branch

Certified Mail No. 7015 1520 0000 4432 2226

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2016 – August 2016

CC: Kern County Dept. of Public Health, Env. Health Services Division (w/o attachment)
Cranmer Engineering, Inc., Contract Sampler (via email)

JSD/dc

Attachment A

USFS French Gulch Campground Water System

1502686

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/7/2016	10:45	4 Rep 1	A	A		Routine			
1/7/2016	10:50	4 Rep 2	2.0	A		Routine		MCL	Citation #03_19_16C_015 issued 4/19/2016.
1/7/2016	10:55	2 Rep 1 Hosebib	A	A		Routine			
1/7/2016	11:00	3 Rep 1	A	A		Routine			
1/7/2016	11:05	3 Rep 2 Hosebib	A	A		Routine			
1/7/2016	11:10	2 Rep 2 Hosebib	A	A		Routine			
1/28/2016	9:00	Storage Tank	A	A		Repeat			
1/28/2016	9:15	2 REP 1 Hosebib	A	A		Repeat			
1/28/2016	9:25	3 REP 1 R5	A	A		Repeat			
1/28/2016	9:30	4 REP 1	A	A		Repeat			
1/28/2016	9:35	4 REP 2	A	A		Repeat			
1/28/2016	9:45	3 REP 2 Hosebib	A	A		Repeat			
2/26/2016	12:15	R4	A	A		Routine			
2/26/2016	12:20	R5	A	A		Routine			
2/26/2016	12:35	R1 Hosebib Near	A	A		Routine			
2/26/2016	12:40	R2	A	A		Routine			
2/26/2016	12:45	R3	A	A		Routine			
3/30/2016	8:50	R1 Hosebib Near	2.0	A		Routine			
4/7/2016	8:50	R1 Hosebib Near	1.0	A		Other			
4/7/2016	8:55	2 Rep 1 Hose bib	1.0	A		Repeat		MCL	Citation #03_19_16C_041 issued 9/7/2016.
4/7/2016	9:00	3 Rep2 Hose bib	2.0	A		Repeat			
4/7/2016	9:05	4 Rep 1	A	A		Repeat			
4/7/2016	9:10	2 REP 2 Hose bib	A	A		Repeat			
4/7/2016	9:15	5 Rep 1 RR	1.0	A		Repeat			
4/12/2016	9:15	2 REP 1 Hose bib	A	A		Repeat			
4/12/2016	9:20	R1 Hosebib Near	1.0	A		Repeat			
4/12/2016	9:25	4 REP 1	A	A		Repeat			
4/12/2016	9:30	3 REP 2 Hose bib	A	A		Repeat			
4/12/2016	9:35	5 REP 1 RR	1.0	A		Repeat			
4/28/2016	10:30	R1	A	A		Routine			
4/28/2016	10:45	R2	A	A		Routine			
4/28/2016	11:00	R3	A	A		Routine			
4/28/2016	11:05	R5	A	A		Routine			
5/18/2016	11:05	R1	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
6/2/2016	8:15	R1	A	A		Routine			
7/7/2016	12:20	R1	A	A		Routine			
8/4/2016	9:00	R1	A	A		Routine	0.38		

USFS French Gulch Campground Water System

1502686

Source Monitoring Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/7/2016	10:35	Well	1.0	A		MCL	
1/21/2016	16:00	Cycle Test Well 1st Draw	A	A			
1/21/2016	16:01	Source	A	A			
1/21/2016	16:05	Cycle Test Well 5 Minute	20.7	A			
1/21/2016	16:15	Cycle Test Well 15 Minute	A	A			
1/21/2016	16:30	Cycle Test Well 30 Minute	A	A			
1/28/2016	9:50	Well	3.1	A			
2/22/2016	11:15	Cycle Test Well 1st Draw	9.9	A			
2/22/2016	11:16	Cycle Test Well 1 Minute	144.5	A			
2/22/2016	11:20	Cycle Test Well 5 Minute	56	A			
2/22/2016	11:30	Cycle Test Well 15 Minute	A	A			
2/22/2016	11:45	Cycle Test Well 30 Minute	A	A			
4/7/2016	8:40	WELL	4.2	A		MCL	GWR and TCR Repea
4/12/2016	9:00	WELL	16.4	A			
4/28/2016	11:45	WELL	A	A			